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**U.S. District Court
District of New Mexico - Version 4.2 (Santa Fe)
CIVIL DOCKET FOR CASE #: 6:09-cv-00848-PJK-WDS**

Center for Sustainable Economy v. Treasury, US Dept of
Assigned to: Circuit Judge Paul Kelly, Jr
Referred to: Magistrate Judge W. Daniel Schneider
Cause: 05:552 Freedom of Information Act

Date Filed: 09/01/2009
Date Terminated: 03/16/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Center for Sustainable Economy

represented by **Steven Sugarman**
1210 Luisa Street, Suite 2
Santa Fe, NM 87505
505-672-5082
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ATTORNEY TO BE NOTICED

V.

Defendant

**United States Department of the
Treasury**

represented by **Kimberly Herb**
USDOJ
Civil Division
20 Massachusetts Ave
Washington, DC 20530
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LEAD ATTORNEY
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Date Filed	#	Docket Text
09/01/2009	<u>1</u>	COMPLAINT against Treasury, US Dept of (Filing Fee - Online Payment), filed by Center for Sustainable Economy. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet)(Sugarman, Steven) (Entered: 09/01/2009)
09/01/2009		Filing Fee Received: \$ 350 receipt number 10840000000001167341 re <u>1</u> Complaint filed by Center for Sustainable Economy (Payment made via Pay.gov)(Sugarman, Steven) (Entered: 09/01/2009)
09/01/2009		Magistrate Judge Carmen E. Garza and Magistrate Judge W. Daniel Schneider assigned. (nm) (Entered: 09/01/2009)
09/01/2009	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Carmen E. Garza to conduct all proceedings in this matter, including trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made within 20 days after service of this notice.</i> For e-filers, visit our website at www.nmcourt.fed.us for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (nm) (Entered: 09/01/2009)
09/02/2009		Summons Issued as to United States Department of the Treasury, U.S. Attorney and U.S. Attorney General (nm) (Entered: 09/02/2009)
09/23/2009	<u>3</u>	NOTICE of Appearance by Kimberly Herb on behalf of United States Department of the Treasury (Herb, Kimberly) (Entered: 09/23/2009)

09/23/2009	4	REFUSAL TO CONSENT to Proceed before a U.S. Magistrate Judge (Herb, Kimberly) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 09/23/2009)
09/24/2009	5	MINUTE ORDER by Matthew J. Dykman, Clerk of the Court reassigning case to Circuit Judge Paul Kelly, Jr. U.S. Magistrate Judge Carmen E. Garza is no longer assigned to case. (mr) (Entered: 09/24/2009)
10/06/2009	6	Joint MOTION for Extension of Time to File Answer by United States Department of the Treasury. (Herb, Kimberly) (Entered: 10/06/2009)
10/09/2009	7	ORDER by Circuit Judge Paul Kelly, Jr. granting 6 Motion for Extension of Time to File Responsive Pleading; United States Department of the Treasury answer or motion due 11/9/2009. (rt) (Entered: 10/09/2009)
11/09/2009	8	ANSWER to 1 Complaint by United States Department of the Treasury. Related document: 1 Complaint filed by Center for Sustainable Economy.(Herb, Kimberly) (Entered: 11/09/2009)
11/16/2009	9	ORDER by Magistrate Judge W. Daniel Schneider Telephonic Scheduling Conference set for 1/4/2010 at 01:40 PM in Albuquerque - 720 Judge W. Daniel Schneider Chambers before Magistrate Judge W. Daniel Schneider. (mm) (Entered: 11/16/2009)
12/28/2009	10	Joint Status Report by United States Department of the Treasury (Herb, Kimberly) (Entered: 12/28/2009)
01/05/2010	11	Clerk's Minutes for proceedings held before Magistrate Judge W. Daniel Schneider: Scheduling Conference was held on 1/4/2010. THIS IS A TEXT ENTRY ONLY. NO DOCUMENTS ATTACHED. (mm) (Entered: 01/05/2010)
01/19/2010	12	ORDER by Magistrate Judge W. Daniel Schneider (mm) (Entered: 01/19/2010)
02/15/2010	13	Unopposed MOTION for Extension of Time to File <i>Partial Motion to Dismiss</i> by United States Department of the Treasury. (Herb, Kimberly) (Entered: 02/15/2010)
03/01/2010	14	ORDER by Circuit Judge Paul Kelly, Jr.granting 13 Joint Motion for Extension of Time for Defendant to File Partial Motion to Dismiss with regard to Count III of the Plaintiff's complaint. (rt) (Entered: 03/01/2010)

03/01/2010	<u>15</u>	Partial MOTION to Dismiss for Lack of Jurisdiction by United States Department of the Treasury. (Attachments: # <u>1</u> Blutstein Declaration, # <u>2</u> Exhibit A, CSE 7.22.09 Letter, # <u>3</u> Exhibit B, Treasury 7.29.09 Letter, # <u>4</u> Exhibit C, CSE 8.10.09 Letter, # <u>5</u> Exhibit D, Treasury 8.11.09 Letter, # <u>6</u> Exhibit E, Treasury 9.29.09 Letter, # <u>7</u> Exhibit F, Treasury 10.21.09 Letter, # <u>8</u> Exhibit G, CSE 10.29.09 Letter, # <u>9</u> Exhibit H, Treasury 11.17.09 Letter)(Herb, Kimberly) (Entered: 03/01/2010)
03/14/2010	<u>16</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>15</u> Partial MOTION to Dismiss for Lack of Jurisdiction by Center for Sustainable Economy. (Sugarman, Steven) (Entered: 03/14/2010)
03/19/2010	<u>17</u>	ORDER by Circuit Judge Paul Kelly, Jr. granting <u>16</u> Motion for Extension of Time to File Response as to <u>15</u> Partial MOTION to Dismiss for Lack of Jurisdiction. Responses due by 3/25/2010 Replies due by 4/8/2010. (rt) (Entered: 03/19/2010)
03/25/2010	<u>18</u>	RESPONSE in Opposition re <u>15</u> Partial MOTION to Dismiss for Lack of Jurisdiction filed by Center for Sustainable Economy. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit exhibit 6, # <u>6</u> Exhibit Exhibit 8, # <u>7</u> Exhibit exhibit 9, # <u>8</u> Exhibit Exhibit 10, # <u>9</u> Exhibit Exhibit 11, # <u>10</u> Exhibit Exhibit 12, # <u>11</u> Exhibit Exhibit 13, # <u>12</u> Exhibit Exhibit 14, # <u>13</u> Exhibit Exhibit 15)(Sugarman, Steven) (Entered: 03/25/2010)
04/02/2010	<u>19</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>15</u> Partial MOTION to Dismiss for Lack of Jurisdiction by United States Department of the Treasury. (Herb, Kimberly) (Entered: 04/02/2010)
04/15/2010	<u>20</u>	REPLY to Response to Motion re <u>15</u> Partial MOTION to Dismiss for Lack of Jurisdiction filed by United States Department of the Treasury. (Attachments: # <u>1</u> Declaration of Melissa Hartman, # <u>2</u> Exhibit A to Hartman Declaration, # <u>3</u> Exhibit B to Hartman Declaration)(Herb, Kimberly) (Entered: 04/15/2010)
04/19/2010	<u>21</u>	ORDER by Circuit Judge Paul Kelly, Jr. granting <u>19</u> Motion for Extension of Time to File Reply as to <u>15</u> Partial MOTION to Dismiss for Lack of Jurisdiction. Replies due by 4/15/2010. (rt) (Entered: 04/19/2010)
04/29/2010	<u>22</u>	NOTICE re <u>18</u> Response in Opposition to Motion, <i>Notice of Filing Exhibits 5 and 7 in Support of Opposition to Defendant's Motion for Partial Dismissal</i> (Attachments: # <u>1</u> Exhibit Exhibit 5, # <u>2</u> Exhibit Exhibit 7)(Sugarman, Steven) (Entered: 04/29/2010)
05/05/2010	<u>23</u>	MEMORANDUM OPINION and ORDER by Circuit Judge Paul Kelly, Jr. granting <u>15</u> Motion for Partial Dismissal for Lack of Jurisdiction. Plaintiff's third cause of action dismissed. (rt) (Entered: 05/05/2010)

06/30/2010	24	NOTICE of Hearing: Status Conference set for 7/12/2010 at 10:00 AM in Albuquerque - 420 Mimbres Courtroom before Circuit Judge Paul Kelly Jr. (rt) (Entered: 06/30/2010)
07/08/2010	25	NOTICE of Appearance by Jan Elizabeth Mitchell on behalf of United States Department of the Treasury (Mitchell, Jan) (Entered: 07/08/2010)
07/12/2010	26	ORDER ADOPTING DEADLINES by Circuit Judge Paul Kelly, Jr. Deadlines agreed to by the parties and tendered at the 7/12/2010 status conference are adopted per order. (rt) (Entered: 07/12/2010)
07/14/2010	27	Clerk's Minutes for proceedings held before Circuit Judge Paul Kelly, Jr.: Status Conference held on 7/12/2010. (Court Reporter John De La Rosa) (rt) (Entered: 07/14/2010)
12/10/2010	28	MINUTE ORDER re 26 Order by Circuit Judge Paul Kelly, Jr. A correct PDF of the hard copy Order Adopting Deadlines is filed to clarify that any motions for summary judgment on remaining disputes must be filed by January 17, 2011. (Attachments: # 1 Exhibit Order Adopting Deadlines)(rt) (Entered: 12/10/2010)
01/17/2011	29	STIPULATION of Dismissal by Center for Sustainable Economy (Sugarman, Steven) (Entered: 01/17/2011)
01/19/2011	30	ORDER by Circuit Judge Paul Kelly, Jr. adopting stipulation 29 and dismissing action with prejudice. Any application for attorney's fees shall be filed not later than 45 days from 1/17/2011. (rt) (Entered: 01/19/2011)
03/02/2011	31	Joint MOTION for Extension of Time to File <i>Motion for Fees</i> by Center for Sustainable Economy. (Sugarman, Steven) (Entered: 03/02/2011)
03/15/2011	32	NOTICE of Settlement <i>as to Attorney's Fees and Stipulation of Dismissal</i> by Center for Sustainable Economy (Sugarman, Steven) (Entered: 03/15/2011)
05/16/2011	33	ORDER by Circuit Judge Paul Kelly, Jr. adopting stipulation of dismissal 32 regarding attorney's fees. (rt) (Entered: 05/16/2011)

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